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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,686	12/30/2003	Nikolai G. Nikolov	6570P043	2186

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SAP/BLAKELY		
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EXAMINER
WOOD, WILLIAM H

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
07/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,686

Applicant(s)

NIKOLOV ET AL.

Examiner

William H. Wood

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,14-38 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-46 are pending and have been examined.

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 10 February 2005, 13 November 2006, 06 February 2007 and 19 April 2007 have been considered by the examiner.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 19-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite "machine readable medium containing", which according to the originally filed disclosure (Specification: page 68, paragraph 0164, "data signals", "carrier wave") may refer to signals. Electromagnetic waves are not statutory as being a process, machine, manufacture or composition of matter. Appropriate correction required.

Claim Rejections - 35 USC § 102

Art Unit: 2193

4. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 2, 6, 14-19, 20, 24, 32-37, 38 and 42 rejected under 35

U.S.C. 102(e) as being anticipated by **Boykin** et al. (US Patent Application Publication 2004/0123279 A1).

Claim 1

Boykin disclosed a method, comprising:

receiving from a classfile registration information comprising a class name and a different method name for each of said class's methods, each of

said methods being modified with at least one additional byte code instruction to cause *(paragraphs 0007, instrument specific methods within a class and hooks into the loaded class; also 0029-0030, and 0033, 0038)*, for its respective method, a plug-in module's handler method to provide output function treatment for said respective method *(paragraph 0007, probes in registry)*; and, referring to a plug-in pattern to determine which of a plurality of plug-in modules are appropriate for each of said class's methods, said plug-in pattern listing for each of said plug-in modules those of said methods that are to be handled with its corresponding output function treatment *(paragraph 0007, registry with probes; and paragraph 0036)*.

Claim 2

Boykin disclosed the method of claim 1 wherein said class name is in the form of a character string *(paragraph 0054, table 1, see "class id")*.

Claim 6

Boykin disclosed the method of claim 1 wherein each of said method names are in a character string format *(paragraph 0054, table 1, see "method id")*.

Claim 14

Boykin disclosed the method of claim 1 wherein said receiving of registration information is in response to said classfile being loaded *(paragraph 0033)*.

Claim 15

Boykin disclosed the method of claim 1 wherein at least one of said plurality of plug-in modules further comprise a handler method that performs a time recordation function (*paragraph 0005, license usage, logging*).

Claim 16

Boykin disclosed the method of claim 1 wherein at least one of said plurality of plug-in modules further comprise a handler method that performs a parameter value recordation function (*paragraph 0005, message logging, tracing*).

Claim 17

Boykin disclosed the method of claim 1 wherein said plurality of plug-in modules further comprise a handler method that performs a output function that increments a counter on a per method basis (*paragraph 0005, tracing*).

Claim 18

Boykin disclosed the method of claim 1 wherein said registration information further comprises arguments for each of said methods (*paragraph 0054, table 1, line "method id = ISRead" includes parameters*).

Claims 19, 20, 24 and 32-36

The limitations of claims 19, 20, 24 and 32-36 correspond to claims 1, 2, 6 and 14-18 and as such are rejected in a similar manner.

Claims 37, 38 and 42

The limitations of claims 37, 38 and 42 correspond to claims 1, 2 and 6 and as such are rejected in a similar manner. Additional limitations "executing a method ..." (paragraph 0067) and "translating information to a format" (paragraph 0005, logs, traces).


Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)-272-3756. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.


William H. Wood
Patent Examiner
AU 2193
June 24, 2007